

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
Jurisdictional Separations and Referral to the	)	CC Docket No. 80-286
Federal-State Joint Board	)	

**COMMENTS OF QWEST CORPORATION**

Qwest Corporation (Qwest), through counsel and in response to the Federal Communications Commission's (Commission) *Notice of Proposed Rulemaking* released on March 29, 2010 (*NPRM*),<sup>1</sup> files these comments with respect to the Commission's proposal to extend the current freeze of Part 36 category relationships and jurisdictional cost allocation factors until June 30, 2011.

In previous comments, Qwest has supported both extension of the existing separations freeze<sup>2</sup> and comprehensive reform of the Commission's rules governing jurisdictional separations.<sup>3</sup> Even though the separations rules no longer apply to Qwest,<sup>4</sup> Qwest still supports

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<sup>1</sup> *In the Matter of Jurisdictional Separations and Referral to the Federal-State Joint Board*, Notice of Proposed Rulemaking, CC Docket No. 80-286, FCC 10-47, rel. Mar. 29, 2010.

<sup>2</sup> See Comments of Qwest Corporation, CC Docket No. 80-286, filed Aug. 22, 2006; Reply of Qwest Corporation, CC Docket No. 80-286, filed Nov. 20, 2006; Qwest *ex parte*, CC Docket No. 80-286, filed Apr. 27, 2006. See also, Comments of Qwest Corporation, CC Docket No. 80-286, filed Apr. 17, 2009.

<sup>3</sup> Among other things, Qwest has expressed its concern over the unnecessary complexity of the Commission's Part 36 rules, in effect prior to the current separations freeze, for allocating the costs of jointly-used facilities between jurisdictions. The separations rules reflect policy compromises developed over the last seven decades and provide little information on the actual cost of providing service in today's increasingly competitive telecommunications market which is characterized by rapid changes in technology. The separations rules in effect prior to July 1, 2001 are hopelessly out-dated and were developed in an era of a single provider when rate-of-return regulation was the norm in both federal and state jurisdictions. Neither today's telecommunications markets nor today's regulation bear much resemblance to such an environment. As competition continues to increase in telecommunications markets and more services become deregulated, jurisdictional separations should become unnecessary. In fact, in forbearing from enforcing its separations rules against Qwest and Verizon, the Commission

an extension of the current separations freeze until the Commission completes comprehensive reform of the separations rules. In fact, given the close relationship between separations, Universal Service (USF) and Intercarrier Compensation (ICC) for those companies subject to Part 36, it would be wise to keep the separations freeze in place until the Commission completes its reform of the USF and ICC rules.<sup>5</sup> Furthermore, the Commission's recently-released National

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“conclude[d] that there is no current, federal need for the Cost Assignment Rules, as they apply to Verizon and Qwest, to ensure that charges and practices are just, reasonable, and not unjustly or unreasonably discriminatory; to protect consumers; and to ensure the public interest (citing to the *AT&T Cost Assignment Forbearance Order*, 23 FCC Rcd 7302, 7307 ¶ 11 (2008), *pet. for recon. pending, pet. for review pending*, *NASUCA v. FCC*, Case No. 08-1226 (D.C. Cir., in abeyance, Sept. 16, 2008)). *In the Matter of Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's ARMIS Reporting Requirements, Petition of Qwest Corporation for Forbearance From Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. § 160(c), Petition of the Embarq Local Operating Companies for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of ARMIS Reporting Requirements, Petition of Frontier and Citizens ILECs for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's ARMIS Reporting Requirements, Petition of Verizon for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's Recordkeeping and Reporting Requirements, Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules*, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 23 FCC Rcd 13647, 13662-63 ¶ 27 (2008) (*AT&T ARMIS Order*), *pet. for review pending sub nom. NASUCA v. FCC*, cons. Case Nos. 08-1226 (D.C. Cir. Docketed June 23, 2008) and 08-1353 (D.C. Cir. filed Nov. 4, 2008), *in abeyance*, Feb. 13, 2009. *See also, generally*, note 2, *supra*, as well as Comments of U S WEST, Inc., CC Docket No. 80-286, filed Dec. 10, 1997, Reply Comments of U S WEST, Inc., CC Docket No. 80-286, filed Jan. 26, 1998, Comments of Qwest Corporation, filed Sept. 25, 2000, CC Docket No. 80-286.

<sup>4</sup> On September 8, 2008, the Commission granted Qwest relief from the cost assignment rules, including the Part 36 separations rules. This relief was conditioned upon the Wireline Competition Bureau's approval of Qwest's Compliance Plan. On December 31, 2008, the Bureau approved Qwest's Compliance Plan, as filed. *See AT&T ARMIS Order*, note 3, *supra*, and Public Notice, 23 FCC Rcd 18417 (2008).

<sup>5</sup> The Commission must ensure that comprehensive reform of the separations process does not conflict with its parallel actions in the USF and ICC proceedings. *See In the Matter of Developing a Unified Intercarrier Compensation Regime*, Further Notice of Proposed Rulemaking, 20 FCC Rcd 4685 (2005); *In the Matter of Comprehensive Review of Universal Service Fund Management, Administration, and Oversight; Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Rural Health*

Broadband Plan recommends significant changes to USF and ICC<sup>6</sup> -- which inevitably will impact jurisdictional separations. This is all the more reason to avoid piecemeal separations changes and keep the separations freeze in place until USF and ICC have been reformed.

At a minimum, the Commission should extend the separations freeze until June 30, 2011 as it proposed to do in its *NPRM*.

Respectfully submitted,

QWEST CORPORATION

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April 19, 2010

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*Care Support Mechanism; Lifeline and Link-Up; Changes to the Board of Directors for the National Exchange Carrier Association, Inc.*, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 20 FCC Rcd 11308 (2005). Whether implemented after USF and ICC reform is accomplished, as Qwest has suggested in the past, or prior to such action, the only meaningful way to reform separations is to adopt a very simple set of separations rules.

<sup>6</sup> See National Broadband Plan, Connecting America at Chapter 8.

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **COMMENTS OF QWEST CORPORATION** to be: 1) filed with the FCC via its Electronic Comment Filing System in CC Docket No. 80-286; 2) served via e-mail on Mr. Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau at [charles.tyler@fcc.gov](mailto:charles.tyler@fcc.gov); and 3) served via e-mail on the FCC's duplicating contractor, Best Copy and Printing, Inc. at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

/s/ Richard Grozier

April 19, 2010